

Attorney Docket No.: 01CON247P-CON
Application Serial No.: 10/806,800

REMARKS

This is in response to the *Non-Final* Office Action of March 27, 2008, where the Examiner has rejected claims 30-55. By the present amendment and response, applicant has amended claims 30, 32, 34, 37, 38, 40, 42 and 45, and cancelled claims 46-55. After the present amendment and response, claims 30-45 remain pending in the present application. An early allowance of outstanding claims 30-45 in view of the following remarks is requested.

A. Rejection of Claims 30-32, 38-40, 46-48 and 50-52 under 35 USC § 103(a)

The Examiner has rejected claims 30-32, 38-40, 46-48 and 50-52, under 35 USC § 103(a), as being unpatentable over Farris, et al. (USPN 6,438,218) ("Farris") in view of Morgan, et al. (U.S. Pub. No. 2001/0024439) ("Morgan"). Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 30 to recite:

receiving a first set of data link parameters supported by said first client modem;

receiving a second set of data link parameters supported by both a second gateway modem of said second gateway modem and said second client modem;

harmonizing a set of data link parameters supported by said first gateway with said first set of data link parameters and said second set of data link parameters to determine *a final set of data link parameters supported by all of* said first client modem, said first gateway modem, said second gateway modem and said second client modem;

establishing a first data link protocol over said first physical modem connection using said *final* set of data link parameters;

wherein data is communicated between said first client modem and said second client modem over an end-to-end reliable connection between said first client modem at one end and said second client modem at the other end, wherein said end-to-end reliable connection uses said *final* set of data link parameters.

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In contrast with claim 30, as amended, applicant respectfully submits that both Farris and Morgan fail to disclose, teach or suggest that the first gateway receives a first set of data link parameters supported by the first client modem, receives a second set of data link parameters supported by both the second gateway modem and the second client modem, and harmonizes a set of data link parameters supported by the first gateway with the first set of data link parameters and the second set of data link parameters to determine a final set of data link parameters supported by all of the first client modem, the first gateway modem, the second gateway modem and the second client modem, and then establishes a first data link protocol over the first physical modem connection using the final set of data link parameters, where the end-to-end reliable connection uses the final set of data link parameters.

It is respectfully submitted that, as acknowledged by the Examiner, Farris does not disclose that its gateway has a modem, and further, applicant respectfully submits that Morgan does not disclose any operation that is performed by modems 112, 118, 208 or 210. Therefore, the references, solely or in combination, do not come close to disclosing, teaching or suggesting the elements of claim 30, as discussed above.

Accordingly, applicant respectfully submits that claim 30, as amended, should be allowed. Further, claims 30-32 depend from claim 30, and should be allowed at least for the reasons stated above. It is respectfully submitted that independent claim 38, as amended, includes limitations similar to those of claim 30, as amended. Therefore, independent claim 38, and its respective dependent claims 39-40, should also be allowed at least for the reasons stated above. Further, by the present amendment, applicant has cancelled claims 46-48 and 50-52. Therefore, it is respectfully submitted that the Examiner's rejection of claims 46-48 and 50-52 has been rendered moot.

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B. Rejection of Claims 33 and 41 under 35 USC § 103(a)

The Examiner has rejected claims 33 and 41, under 35 USC § 103(a), as being unpatentable over Farris in view of Morgan.

Applicant respectfully submits that claims 33 and 41 depend from claims 30 and 38, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38, as amended.

C. Rejection of Claims 34 and 42 under 35 USC § 103(a)

The Examiner has rejected claims 34 and 42, under 35 USC § 103(a), as being unpatentable over Farris in view of Morgan, and further in view of Endo (USPN 6,381,038) ("Endo").

Applicant respectfully submits that claims 34 and 42 depend from claims 30 and 38, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38, as amended.

D. Rejection of Claims 35-37 and 43-45 under 35 USC § 103(a)

The Examiner has rejected claims 35-37 and 43-45, under 35 USC § 103(a), as being unpatentable over Farris in view of Morgan and Endo, and further in view of Davis, et al. (USPN 6,049,902) ("Davis").

Applicant respectfully submits that claims 35-37 and 43-45 depend from claims 30 and 38, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38, as amended.

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E. Rejection of Claims 49 and 53 under 35 USC § 103(a)

The Examiner has rejected claims 49 and 53, under 35 USC § 103(a), as being unpatentable over Farris in view of Morgan, and further in view of Davis.

Applicant respectfully submits that, by the present amendment and response, applicant has cancelled claims 49 and 53. Therefore, it is respectfully submitted that the Examiner's rejection of claims 49 and 53 has been rendered moot.

F. Rejection of Claims 54-55 under 35 USC § 103(a)

The Examiner has rejected claims 54-55, under 35 USC § 103(a), as being unpatentable over Farris in view of Davis.

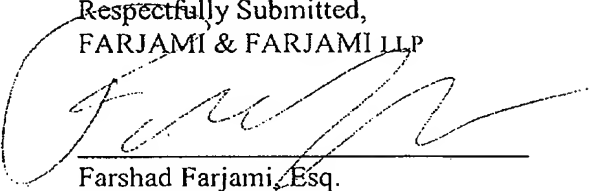
Applicant respectfully submits that, by the present amendment and response, applicant has cancelled claims 54-55. Therefore, it is respectfully submitted that the Examiner's rejection of claims 54-55 has been rendered moot.

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G. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-45 pending in the present application is respectfully requested.

Respectfully Submitted,
FARJAMI & FARJAMI LLP


Farshad Farjami, Esq.
Reg. No. 41,014

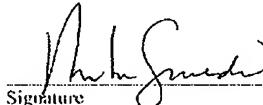
FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, California 92691
Telephone: (949) 282-1000
Facsimile: (949) 282-1002

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